

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
 v.) No.: 2:19-CR-196
)
 HARVEY NAPIER)

UNITED STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR FURLough

Comes now the United States of America, by and through Francis M. Hamilton, III, Acting United States Attorney for the Eastern District of Tennessee, and responds to defendant's motion for furlough.

The defendant was obtained by this court by writ on January 10, 2020 and has remained in custody since then. On November 17, 2020, the defendant pleaded guilty to Count One of the indictment, charging a conspiracy to distribute 50 grams or more of methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). The defendant faces a minimum mandatory sentence of 10 years imprisonment. By virtue of the entry of his guilty plea, he has been convicted of an offense for which the mandatory detention provisions of 18 U.S.C. § 3143(b) apply.

The defendant seeks a furlough to visit his ailing stepfather. The United States empathizes with the defendant's desire to visit his stepfather. However, it must oppose the request.

Because the defendant is here on a writ, he is not in the primary custody of the United States Marshall Service, and any release, as conceded by the defendant in his motion, is dependent upon his also being permitted release upon his pending charges in Scott County, VA. Moreover, the defendant has a history of violating supervision, failing to appear for court, and a long history of drug abuse. Additionally, the prospect of the lengthy prison sentence faced by the defendant

imparts a heightened risk of flight.

While the defendant's desire to visit with his stepfather is understandable and admirable, given the defendant's criminal history, and his current pending cases before both this court and state court, the United States opposes the relief sought.

Respectfully submitted,

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